

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-CV-22820-RAR

**PARKWAY TOWERS
CONDOMINIUM ASSOCIATION, INC.,**

Plaintiff,

v.

**ARCH SPECIALTY
INSURANCE COMPANY, *et al.*,**

Defendants.

_____/

JOINT MOTION TO APPEAR VIA ZOOM VIDEO CONFERENCE FOR MEDIATION

Plaintiff, Parkway Towers Condominium Association, Inc. (“Plaintiff”), and the Defendants, Arch Specialty Insurance Company, United Specialty Insurance Company, and Certain Interested Underwriters at Lloyd’s, London Subscribing to Policy Number VETGF03319210 (collectively, the “Defendants”), jointly request the Court to grant the Parties permission to conduct the mediation in this matter via Zoom videoconference (“Zoom”). In further support, the Parties state as follows:

1. On August 21, 2023, the Court entered an “Order Setting Jury Trial Schedule, Requiring Mediation, and Referring Certain Matter to Magistrate Judge.” (Ecf. No. 7). The Court ordered that the Parties must select a mediation and schedule a time, date, and place for mediation by September 8, 2023. The Parties are presently coordinating mediation.

2. The Court further ordered that “[t]he mediation shall take place in person. Requests to appear virtually by videoconference or other remote means must be made by motion.”

3. The Parties respectfully request that the Court allow the Parties to conduct mediation via Zoom. The Parties are located throughout the United States (Plaintiff's representative in Miami; Plaintiff's counsel in Boca Raton; Defendants' representatives in St. Augustine and St. Louis; and Defendants' counsel in Tampa). The Parties desire to appear via Zoom to prevent increased litigation costs and, to the extent this still applies, decrease potential exposure to COVID-19.

4. Since March 2020, as a result of the coronavirus pandemic, Florida courts allow mediation via Zoom. Conducting the mediation via Zoom will not impact the effectiveness of the mediation. The Parties and/or their respective counsel are experienced with mediation via Zoom, having successfully participated in numerous mediations in a variety of matters and jurisdictions, including in the Southern District of Florida.

5. The Parties believe that remote mediation will not impact the chance of success in resolving the case. The experiences of the undersigned counsel during and since the COVID-19 pandemic so far have shown that settlement can and does occur through remote videoconference. Accordingly, the Parties do not believe that remote attendance of mediation via Zoom will adversely affect the efficacy of the mediation. The Parties are more likely to engage longer rather than have the pressure of travel plans and the like.

6. The Parties agree with the relief sought in this motion and request to conduct mediation in this matter via Zoom.

MEMORANDUM OF LAW

Federal courts have wide discretion in managing their proceedings. *U.S. v. Hawkins*, 661 F.2d 436, 450 (5th Cir. 1981). Judges may take appropriate action with respect to settlement and the use of special procedures to assist in resolving a dispute when authorized by statute or local

rule. *Abele v. Hernando County*, 161 Fed. Appx. 809, 813 (11th Cir. 2005) (citing Fed. R. Civ. P. 16(c)(9)). Considering the wide discretion the Court has in managing the proceedings and in the interest of health and the Parties' resources, the Court may grant leave to the parties to conduct mediation via Zoom.

WHEREFORE, the Parties respectfully request that this Court permit the Plaintiff, Defendants, and their counsel, to appear via Zoom for the mediation in this matter.

Dated: August 23, 2023

THE LANDAU LAW GROUP, P.A.

BUTLER WEIHMULLER KATZ CRAIG LLP

/s/ Paul Kunz

/s/ Christopher M. Ramey

MATTHEW D. LANDAU, ESQ.

CHRISTOPHER M. RAMEY, ESQ.

Florida Bar No.: 445967

Florida Bar No.: 0044808

matt@thelandaulawgroup.com

cramey@butler.legal

ERIC FISHER, ESQ.

JUSTIN W. SBLANO, ESQ.

Florida Bar No.: 962422

Florida Bar No.: 1008138

eric@thelandaulawgroup.com

jsblano@butler.legal

PAUL KUNZ, ESQ.

Secondary: hkerr@butler.legal

Florida Bar No.: 159492

ebarker@butler.legal

paul@thelandaulawgroup.com

400 North Ashley Drive, Suite 2300

1200 North Federal Highway, Ste. 200

Tampa, FL 33602

Boca Raton, FL 33432

Telephone: (813) 281-1900

Telephone:

Facsimile: (813) 281-0900

Facsimile:

Attorneys for Defendants

Attorneys for Plaintiff

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to S.D. Fla. Loc. R. 7.1, the undersigned certifies that on August 23, 2023, the Parties conferred regarding the relief sought in this motion. The Parties jointly agree to the relief sought.

CERTIFICATE OF SERVICE

I certify that on August 23, 2023, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system that will generate a copy to:

Matthew D. Landau, Esq.
Eric Fischer, Esq.
Paul Kunz, Esq.
The Landau Law Group, P.A.
1200 North Federal Highway, Ste. 200
Boca Raton, FL 33432
matt@thelandaulawgroup.com
Attorneys for the Plaintiff

/s/ Christopher M. Ramey

CHRISTOPHER M. RAMEY, ESQ.